

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WAYNE A. LEWIS,

Petitioner,

v.

No. CV 08-0469 BB/LAM

**MARGRET BRADSHAW, Warden,
et al.,**

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION (Doc. 23)**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (hereinafter, "PF&RD") (*Doc. 23*), filed on December 11, 2008. No party has filed objections to the PF&RD and the deadline for filing objections has passed.¹ The Court has determined that it will adopt the PF&RD, deny as moot Petitioner's Motion for Preliminary Injunction to Stay Proceedings of Extradition Hearings in State Court Until Final Disposition of Petitioner's Petition for Writ of Habeas Corpus (*Doc. 3*), and dismiss without prejudice as moot Mr. Lewis' Petition Under 28 USC § 2254 for Writ of Habeas Corpus by a Person in State Custody (*Doc. 1*) and this proceeding.

IT IS THEREFORE ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 23*) are **ADOPTED**, Petitioner's Motion for Preliminary

¹The record of this case shows that a copy of the PF&RD was mailed to Petitioner Wayne A. Lewis at his address of record on December 11, 2008, and this copy of the PF&RD was returned to the Court by the U.S. Postal Service on December 23, 2008, with its mailing envelope (*Doc. 25*) marked "Return to Sender," "Not Deliverable as Addressed" and "Unable to Forward."

Injunction to Stay Proceedings of Extradition Hearings in State Court Until Final Disposition of Petitioner's Petition for Writ of Habeas Corpus (*Doc. 3*) is **DENIED as moot**, and Mr. Lewis' Petition Under 28 USC § 2254 for Writ of Habeas Corpus by a Person in State Custody (*Doc. 1*) and this proceeding are **DISMISSED without prejudice as moot**.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bruce D. Black". The signature is written in a cursive, flowing style.

HONORABLE BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE